

**DRAFT MINUTES**  
**CHARLOTTE COUNTY MARINE ADVISORY COMMITTEE**  
**Thursday, May 14, 2015, 9:30 a.m.**  
**Charlotte County Administration Center**  
**18500 Murdock Circle, Room 119, Port Charlotte, FL 33948**

**I. Call To Order and Pledge of Allegiance**

**II. Roll Call**

**III. Chairman's comments**

**A. REMINDER TO ALL VISITORS ADDRESSING THE COMMITTEE: PLEASE SIGN IN. It is helpful when preparing the Minutes. A clipboard and a pen are provided on the podium for your convenience.**

**B. REMINDER TO ALL MEMBERS STATE THEIR NAME AND ORGANIZATION and TO USE THE MICROPHONE WHEN ADDRESSING THE COMMITTEE. It is helpful when preparing the Minutes**

**IV. Changes to the Agenda**

None were noted.

Chair Ireland noted that Sheriff Prummell was present; the Sheriff addressed the group, thanking the Committee for past assistance and speaking to the issue of expansion of the marine unit. The Sheriff agreed that more personnel are needed to meet the expanded water activities; however, he pointed out that there are other needs that come ahead of that which was why the Department would ask MAC to consider providing additional funds (in the neighborhood of \$126,000) to fund a full-time marine officer; neighboring jurisdictions use their MAC contributions to fund these positions, as a comparison. The Sheriff indicated he will be submitting a budget to the Commission in which he requests another marine unit, but still wants MAC to assist with funding.

Capt. Blago asked the Sheriff how many officers do you have in the marine unit now; the Sheriff responded that there are three at this time, plus a volunteer unit of people who report illegal activity on the water. Capt. Blago asked, concerning those 3 deputies, how does that compare to past years; Sheriff Prummell responded that we have more now than in 1992 when we only had one, and he had other responsibilities as well. In the late 90s, under Sheriff Worch, the unit was expanded to three deputies. Capt. Blago asked if he knew how many are attached to Lee County, but the Sheriff didn't have that information.

Chair Ireland noted that, although law enforcement is the primary responsibility, their mere presence can have a positive effect as well; just cruising through the area makes a difference; he asked whether the volunteers do this. Sheriff Prummell confirmed that they patrol the canals, or sit out there around Cape Haze where there are often speeders. He agreed that the presence does slow people down. Chair Ireland offered praise for the job done by Officer Lytle, but acknowledged that he can't do it all, and certainly another full-time marine patrolman is needed, or more volunteers. He asked if the volunteers use their own boats; the Sheriff indicated that the County supplies the vessels they use.

The Sheriff indicated he has also asked Cpl. Lytle to put together a ten-year strategic plan, which will be presented to MAC when complete. Ms. Buck said she would also

like to commend Officer Lytle; she acknowledged the great work that is being done. She also noted that, on the budget, there was a request for \$20,000 in overtime for patrolling on holidays/weekends; then you mention \$126,000 for an additional officer – so is it cheaper to pay overtime than to hire a new person? The Sheriff responded regarding deployment of personnel on holidays, including having multiple people in the boat (the overtime is for that second person.) Ms. Buck inquired whether that would mean there was still a need for the overtime pay plus the new-hire amount, which the Sheriff confirmed.

Mr. Schermerhorn asked, considering what may be a change in the culture regarding perception of law enforcement, whether the Sheriff had any qualms putting volunteers out on the water without arrest powers; Sheriff Prummell responded that he did not, noting that the volunteers have specific training not to engage. He said that they have radio, and that back-up can be there immediately; he also pointed out that his office has been doing this for many years with no issues, which he hopes will continue. Further discussion continued on this topic, including steps the Sheriff's Office, working with community leaders, has in place to address possible issues.

Mr. Johnston reminded the Committee of two conditions: In Charlotte County, we are restricted to 20% of the WCIND funds available to law enforcement; in Sarasota, as the Sheriff noted, they have the option to fund up to 30% upon decision of the Board. The second thing Mr. Johnston mentioned was that, while we are going through a change at WCIND, the current director has said that while they don't support funding daily operating costs, they wouldn't refuse contribution intended to cover the overtime requested. Sheriff Prummell noted that in the past, his office has requested much less than the 20% available, and in some years, they requested nothing at all when MAC had other big projects on the table. Now, though, they would need the help. Ms. Buck noted that he had mentioned the Freedom Swim as an example of an event the department covered; she asked if there is a fee paid by such event organizers to help defray costs; Sheriff Prummell said that on certain events there was, and offered the powerboat race as an example. Other big overtime events are during spring break and vacation holidays. Mr. Davidson, remembering Cpl. Lytle speaking about his limited ability to police such a large waterway, indicated he would be in favor of supporting the additional officer.

Commissioner Deutsch also commented, voicing his support, and noting that the Department could never really have enough personnel to cover everything; however, he said, boating safety is most important. He also said in his understanding, most other waterfront communities have a per capita or per mileage of waterfront, larger marine divisions than Charlotte has; clearly it is time to consider expansion of force. The Commissioner confirmed that the citizens want the sheriff's presence; there will be support for this expansion. Sheriff Prummell noted that the proposed strategic plan will identify where we stand in comparison to other communities along the water.

Mr. Harris mentioned the prior grant for a new boat for running on the flats, and asked if that craft is in service now, which the Sheriff confirmed. Mr. Harris said by his estimate, the department must have some boats which are not in service, which the Sheriff also confirmed and said that new staff wouldn't mean the need for more boats. Mr. Hamilton asked if this request is for this year or next year; the Sheriff confirmed the request is for the next fiscal year, which begins October 2015; this is a request for the future.

## **V. Citizen Comments on Agenda Items**

None were offered.

## **VI. Regular Business**

A. Approval of the Minutes of the Pre-Agenda Meeting from May 7, 2015 – Additions, Corrections or Deletions. – Approved by acclamation.

B. Approval of the Minutes of the Regular Meeting from April 9, 2015 – Additions, Corrections or Deletions. Approved by acclamation.

C. MSBU Update

In the interests of time, Mr. Chuck Mopps offered to brief by exception to the written report only; Alligator Creek, Buena Vista, Northwest PC are as written.

On the second page, material regarding Harbour Heights concerns dredging in upland canals, he noted there was an RAI from FWC (which is good to know because that's part of the County-wide dredge permit) updating the blanket permit from the Army Corps and from DEP; however, the Army Corps permit must be updated every ten years, this year, there have been small-tooth sawfish comments pertaining to National Marine Fisheries (NMF) requirements; speaking to this subject, Mr. Mopps commented on the NMF back-log issues, but noted there was good news in that they had worked their way up to September 2014 submittals, so we should be getting our permit soon.

He next noted the new project listed on Hayward; the issue there is that their MSBU is unmanned, and staff met with citizens, looking for ways to move forward and the matter is now going through legal. Manchester Waterway is as stated.

On page 3, the Manasota Key beach erosion study is mentioned and although this is mostly a BSAC thing, information is provided in the event MAC members receive any questions. The 2003 study is being updated, then there are meetings planned with stakeholders and the BCC to move forward with funding strategies and particularly establishment of a new MSBU for that location.

With regard to Northwest Port Charlotte, Mr. Mopps mentioned that he recently met with the committee and they want to develop more of a strategic approach to future programs and maintenance. South Gulf Cove should go out to bid this month or next; the boat basin project should be in construction by end of summer. Concerning the parallel lock, Mr. Mopps commented that staff had received the RFPs yesterday; one only was received, from DMK, but they still have to go through the process.

Last to be commented on was Stump Pass; Mr. Mopps indicated a couple things to note, especially with boaters getting hung up on ebb shoal: Coastal Engineering went out last week to accomplish their survey, and indicate where the new marker locations have to go. Right now the controlling depth in the channel is four feet; but keep in mind, we will be dredging the Pass this fall, and barring any major storm events, things should remain navigable. He also noted that with summer rains flowing through the tributaries, there will be some additional depths naturally anyway. Capt. Blago asked him to clarify if he had indicated that dredging will begin this November, because he had written an article on the subject last year which misstated that construction start date. Mr.

Mopps commented that the project is going forward in accordance with the timeline that is available on the County website; he also noted that staff is still in conversation with FWC about the small-tooth sawfish and the biological opinion which was submitted in September 2014 (the point they have just gotten to in handling the FWC review backlog.) In the absence of a biological opinion or other speed bump, he still sees it going out to bid in September, with a notice to proceed after the November boat race. Capt. Blago asked about the groin being more in the future; Mr. Mopps indicated that's the first thing going in.

Mr. Mopps emphasized that this information is on the web and he asked that if people write an article on the topic, that they please include that link for their readers who can then track progress on their own.

Ms. Buck asked an Alligator creek question, concerning the small-tooth sawfish, whether that is always a Army Corps issue; Mr. Mopps responded that it is, and that they take it to NMF for consultation. Ms. Buck asked how long it might be for dredging Alligator Creek could be; Mr. Mopps replied that is looking good, as most permits are in and the final review should be next month. Further discussion ensued on this topic.

- a. Budget Update – Mr. David Johnston, Fiscal Analyst, offered general comments about the upcoming final requests, including information regarding the total remaining funds (half gone). Mr. Hamilton asked regarding these two projects, if there is funding enough to cover them, and how could this go forward since we finished last month. Mr. Johnston reminded that this request was part of the applications presented last month, and that the applicants were asked to come back with an amended request, which they have done. Mr. Johnston also commented on the process track once the final recommendation is in.

Mr. Hoffman asked about the 20% number for WCIND for law enforcement, whether that can be raised, or we are "stuck with it"; Mr. Johnston said that it sounded like it might be possible to raise it, but there is the other issue of whether we can fund "ongoing operations" where the actual mandate is for grants to go toward capital issues. Capt. Blago asked Mr. Johnston if you could give the group a definition of operating expenses in relation to WCIND cap. Mr. Johnston responded that it is a fine line; his example was that if you have 300 deputies and you need to add one, that is an operating expense, but if you wanted to add one for a special project, then we look at the project cost and just decide whether to fund the project. Capt. Blago asked if WCIND ultimately makes that determination; Mr. Johnston said yes but there is flexibility there. Mr. Harris commented that he would not be in favor of increasing that percentage because there have been special requests for additional monies and have been able to go to WCIND who have supported us.

Mr. Hamilton said that heard the sheriff say earlier today that different counties apparently have different rules; he asked if counties are treated on equal basis, and if not, why not. Mr. Johnston offered the observation that while we all have generally the same rules, there is a huge difference in the population of the counties. He continued his example, saying lets consider that WCIND gets \$60 million from the counties; the share we contribute and get back might be about \$450,000 while the share going to Lee County is closer to \$9 million, so their 20% is way bigger than ours.

Mr. Hamilton objected, saying we have the same area to cover and more waterways, so from that standpoint, we have a bigger need. Commissioner Deutsch responded that he understands the state has a rule on that 20%; but the Commission reacts to what this advisory group suggests. If a situation developed that was beyond that, and this group did or did not recommend action, in theory the Commission could make a recommendation to WCIND. Mr. Johnston said that was correct, but added that if WCIND puts their foot down and says no, the County can also say, well we think its important, we'll take it from Boater Improvement Fund (BIF). Commissioner Deutsch observed that we have serious need in terms of boater safety, and we have to look at the request; theft and vandalism are not huge issues, but boater safety is big. Discussion continued on this topic.

Ms. Buck indicated she needed to clarify how it works: The Sheriff goes to the Commission and presents his annual budget for funding; how much of that budget is allotted to water, and why is the Sheriff coming to us? Commissioner Deutsch responded that the Sheriff comes for approval of the budget, some of which is marine activity; but he looks to ALL sources to make his budget work, and MAC is considered a legitimate source of funding to make it work. The Commissioner also remarked that the County is constantly looking for other than ad valorem sources of money to fund all the things we need without raising taxes. Ms. Buck responded that the thing that concerns her is the "slippery slope" when approving grants to fund day-to-day operating costs. Commissioner Deutsch conceded this was true, but pointed out that it is a gray area for many counties; there was a time when the Sheriff didn't come to us for money at all. Further discussion continued on this topic.

Mr. Mopps displayed the WCIND website on the meeting rooms monitors; the website shows that they have funded this same sort of law enforcement effort directly, and there is a further reference to budget information on the website, showing what Lee County has spent, which was greater than the 20%. Mr. Johnston remarked that, as he had previously indicated, if it is a special project, that will most likely get approved, which is what those grants appeared to be.

Mr. Davidson, pointing out that with only 3 guys on the marine detail, none of the work 24 hours at a time, so mostly there is just ONE person out there. He then asks Mr. Johnston about similar BIF funding restrictions; Mr. Johnston indicated that those funds are limited strictly to boating access improvements. He also pointed out that the local BIF is the fund with the most freedom for MAC to use, but for that very reason, it is saved the longest, to cover the odd request.

## **VII. New Business**

- A. FY 2016 Grant Applications: the Final Set of two from CHEC. Mr. Hecker spoke on the application, noting that CHEC took the advice given at the last meeting, and sat down with Capt. Allen to get guidance on creating the new applications. Mr. Hofmeister had a question about the transportation portion of the request, and asked where that money goes, specifically, does it go to the school board; Mr. Hecker responded regarding a matching grant that had just been secured with the school board for the school bus and driver. He added that CHEC may try eventually to get its own bus and driver, but at this point, they are dependent on the school board equipment. Mr. Hofmeister commented that about 50% of a tax bill goes to school board, and questioned why, if citizens are already paying transportation costs to them, why they should subsidize them again via that part

of the grant. Also, Mr. Hofmeister, asked if CHEC is asking for operational costs for a person to operate the pontoon boat, or for the actual boat; Mr. Hecker responded that the person cost is part of the project cost. Mr. Hamilton observed that this is essentially the same project approved by MAC in previous years; he moved approval; second by ?. Capt. Blago asked whether anyone knows how much was appropriated for this project last year; Doris Button, speaking from the audience, responded that it was \$59,000, which was acknowledged to be more than this year's request. Capt. Allen recused himself from the vote, which carried unanimously.

Moving on to item 19B, Capt. Blago commented regarding a conversation he had with Mr. Hecker's predecessor, that a lot of public school / summer camp money was going to Boca Grande Tours to run kayaking events. In that conversation, Capt. Blago said he thought CHEC should be running that program and receiving those funds. He said he had anticipated that when Boca Grande Tours closed, CHEC would buy the inventory and take over this program but, he noted, this program doesn't seem to be doing that. Also, given the many programs for kids in summer in this area, can you describe what makes this unique; Mr. Hecker responded with some background about his experience growing up on the water, assuming everybody had the same opportunity, but as an adult, finding out that programs like this might be the only chance that many kids have to get out on the water. The CHEC location on Alligator Creek permits them to use their own facilities for the activities; they can have half and full-day camps, plus a free fishing camp at Cedar Point. Capt. Blago suggested that if CHEC let surrounding counties know that they have kayaks and can take people out on the water, more of that public money would be going your way. Mr. Hecker responded that the group is working on that goal; Ms. Button, who is with CHEC, gave additional details about their efforts.

Mr. Schermerhorn moved approval, second by Mr. Davidson

Mr. Hamilton commented on possible equipment requests in future, hoping that there would be requests for about half this cost. Mr. Hecker observed that they expect to get donations of used equipment when the commercial users upgrade their fleets. Capt. Blago asked if any of these activities serve Englewood; Mr. Hecker responded that Cedar Point would be where our fishing camp will be this year. Chair Ireland called the question, which passed with unanimous approval.

B. Slow speed zone at Gasparilla; Mr. Mopps presenting.

Chair Ireland made opening comments about the discussion on this matter at the pre-agenda meeting, specifically whether there are other ferry locations and how do they handle their speed zones. Referencing research done by Roger DeBruler, it appears there are four other ferry zones in the state of Florida; Chair Ireland also pointed out, for those citizens here today, MAC is an advisory committee and will not be making any rules, which is the job of the Commission.

Mr. Mopps added that the County would need to permit this just like anything else of this nature that we do; in the meantime, he pointed out, the County is working with FWC to place advisory signage in the area to alert boaters and warn of the ferry passage. For other locations, to designate a slow speed minimum wake zone, there has to be specific reasons (he displayed and read from 68D-23.105 Criteria for Approval of Regulatory Markers – the rule governing this imposition, a copy of which is attached to these minutes.) So, with those

requirements in mind, Public Works has developed a number of options; at this point, Mr. Mopps was speaking with reference to graphics illustrating the various options, as follows:

Gasparilla-bridge-3-west-extension is the first image displayed

Gasparilla-bridge-3-east-minimum-wake is displayed next;

Gasparilla-bridge-3-both-proposals is the last image displayed.

He commented on the occasional water conditions across the flat where people normally come in the area, which can force a boater in a following tide to keep under power in order not to be swamped; that is not the case in this channel.

He noted that the first option would not protect docks in the area, which was one of the requests the Commissioners received; that would be addressed in the next option. The last of the three images illustrates option 3, which addresses both locations. Mr. Mopps reminded the group that the trestle is just north of this area; they could be tied together as one big project. At this point, staff is just trying to determine what best serves the boating community.

Going further, Mr. Mopps next displayed an image (Option 1) which just protects the GIBA bridge causeway, but not the swing bridge. In terms of public safety, Mr. Mopps said this is one that he wouldn't recommend; it does nothing for the part that we own (the swing bridge), where we need to provide safety

Option 2 illustrates just the trestle. He commented that would benefit GIBA by slowing the traffic reducing the wakes, which benefits the pilings that they just upgraded. He said it would be good to get GIBA's comment on it.

Option 3 and Option 4 are variations on another approach, which would put a big slow area that runs from west of the bridge to east of the trestle, tying two areas in together in one big zone, which would also have the effect of minimizing the signage required. He also commented on the existing signage in the area, and noted that none of these options would prevent a boater from maintaining necessary speed to remain safe.

Mr. Buckley asked what would be the total mileage of a no-wake/25 MPH slow wake, if you put those things together; Mr. Mopps responded that would amount to about a quarter to a half mile.

Capt. Blago suggested that there is another proposal, which is to do nothing; he stated that there is no problem here. (There was an audible reaction from audience members at this statement.) Also, Capt. Blago said, as of 2006 all laws or local regulations affecting boating must be approved by the FWC; he said that his understanding was that the FWC had determined that there's no problem. Mr. Mopps indicated he had not had that conversation yet with the FWC.

Mr. Hoffman said he also was not in favor of slow speeds for private docks, because people would have to be in the middle of the ocean to get on plane again.

Mr. Davidson commented that inasmuch as this is about public safety on the water, it is a shame Off. Lytle is not here so we can't ask about the number of complaints registered; Chair Ireland indicated there are citizens present who would like to speak to that aspect. Mr. Harris asked Mr. Mopps, with regard to option 4, was that within the parameters of the Code you showed earlier; Mr. Mopps indicated that it was not, and noted that there used to be a fender system that was part of the trestle, which eventually disintegrated into the water. In this

location, which is the old trestle, because of the derelict condition of the trestle, it poses a hazard to navigation. So that is a public safety issues; additionally, we own it as part of the Parks and Natural Resources park property, therefore it is our liability.

Ms. Buck commented that a couple months ago she had been part of a group that went through this area, where they saw and heard about what the “yahoos” had done to the natural resources; she felt this solution would also be good for endangered white pelicans in that area. Commissioner Deutsch noted that there has been a concern for several years about debris in the water; the County contracted for removal efforts, with WCIND support; a lot was removed, but there’s still debris out there. Mr. Mopps commented that the debris removal grant we get goes largely to the trestle.

Next, the floor was opened to public comment.

Mr. Tim Freeman, of Professional Property Services, is the Community Association Manager for, and resident of, Gulf Shores North subdivision, which comprise the homes which are on the water at the north end of Boca Grande. His concern (referring to the 3 west extension image) is the safety hazard for those launching kayaks in that area; he mentioned also that small children play out on the water there. He suggested that boats coming through this area have difficulty seeing low craft like kayaks, or people coming out from the docks there. He also suggested that this has become a larger issue since the bridge reconstruction project raised the bridge height; now a larger number of boats can get through, to buy gas at Uncle Henry’s marina. He acknowledged that there is a no wake zone in front of the bridge; he said that some folks observe it , while some don’t. He said that boats “zoom through here”. He also pointed out that the Channel is more narrow now, therefore boats come closer to those docks now, going at full speed. He noted that it is a safety concern; he agreed there were also environmental concerns, but his focus is on the safety issues.

Capt. Blago said he was confused about what the gentleman would like to see happen, asking if he wanted to see the blue zone also a no wake; Mr. Freeman said yes. Responsive to another question from Capt. Blago, Mr. Freeman said it doesn’t go into the pass. Mr. Mopps also supported this, while attempting to navigate to Google Earth for another view of the area. Further discussion on the conditions ensued with reference to what is displayed onscreen, and to the nature of the boat traffic in the area since the change in the bridge height.

Mr. Patrick Bell, resident on Boca Grande, commented that the speed zone in front of the homes there is not a No Wake zone, it is a Slow Minimum Wake area, and that no one pays any attention to it. He confirmed that when they put in the new bridge, there was most definitely a change in the boating habits, so those who used to go through the no wake zone that serves Uncle Henry’s don’t have to do that now. He also commented on the risk to kids who play in the water there, and on the environmental issues, primarily concerning the manatees there, which now are showing prop marks.

Mr. Steve Lawrence, who fishes in this area, asked the group to propose a resolution for an idle zone for the safety at bridge 2. Referring to the option 4 graphic, he stated that nothing is enforced here; he described an area where families sit out on the sand bars with umbrellas and beach chairs, and there may

be upwards of 100 people each weekend. Boats come flying through this area, hundreds of them; he called it the most dangerous place in the county for boating, noting that this is the only bridge in the county that is not an idle zone. Mr. Lawrence said he has seen people hurt here and he has been hurt himself.

Mr. Terry Smith, who said he lives on Gasparilla Island; he testified that boats coming flying through since construction of the new bridge and the traffic has doubled. He also felt that there was lots of alcohol involved in boating near the gatherings on the sandbar, making the area very dangerous.

Mr. Hamilton said he wants to hear from law enforcement on these proposals; he suggested that there be someone here at next meeting to present on this. Chair Ireland agreed that the group needs law enforcement input. Capt. Blago reminded that the group also needs some statement from the FWC marine patrol, inasmuch as they make the regulations.

Mr. Charles Devlen, representing the Boca Grande North Marina Association, which controls docks there. He said that his group supports the effort, though not for your reasons. Protecting the new docks they have built is an issue, but the biggest issue is boater and public safety. With regard to the criteria displayed earlier, and based on conversations he has had with Tom Griff, regional director of FWC, he believes the criteria are present to support the effort: there are strong currents through that area; there are some non-legal 'no wake signs' there already, which some people respect, but new boaters go through at 60-70 mph; and there are blind spots in the channel raising the concern that a boater backing out of dock will get t-boned by the speeders. Mr. Devlen said that there's no one living there that would be against this initiative to slow things down. With regard to the sandbar-party people, he said there is serious partying, serious drinking, and seriously intoxicated boaters; enforcement is needed there. He asked if anyone on the Committee lived or fished out there.

Ms. Buck noted she had gone there and had seen the conditions. Mr. Mopps pointed out that if we ask FWC to come, they will just respond that we should submit an application. Turning to the Marine Patrol would be the better resource. Secondly, in accordance with the previously displayed State statute (68D-23.105 Criteria for Approval of Regulatory Markers) none of these areas would qualify for a No Wake zone under the law; if you are going to apply for something, it needs to be for something that you would be able to get. Mr. Bell objected, saying he has a copy of the statute, which he read; Mr. Mopps responded that the language he is referencing is for slow speed/low wake. Further discussion ensued on this topic.

Mr. Lawrence returned to the microphone to provide details on what happened to him; Chair Ireland and Commissioner Deutsch remarked in response, with Commissioner Deutsch suggesting that if he can receive the comments in writing, he can take them to the Board.

Chair Ireland suggested the group would request Cpl. Lytle to attend the next meeting, and they would then be able to pass a recommendation along to the Commissioners. Mr. Harris commented that Cpl. Lytle expressed his opinion last meeting, and that Mr. Mopps had done a great job of pulling together the information on how best to protect that area; based on the comments of the residents in that area, it's hard to believe slow zones haven't been established

already. He said that a recommendation, based on the options prepared by Mr. Mopps could be brought up at the June meeting. Mr. Hamilton noted that he had heard four proposals, and would like to see a staff recommendation on which of these four would be the preferred solution. Mr. Mopps said he would get the Marine Patrol's recommendation, and that he had only brought in the graphics to demonstrate the possibilities; he also reminded the group that he would not be here in June. Ms. Buck extended thanks to the citizens for attending to give their input. Some discussion followed on who would be available for the next pre-agenda meeting to carry this forward; Mr. Mopps suggested Assistant County Attorney Cody Vaughn-Burch to assist if he is not there. Mr. Vaughn-Burch commented regarding the process of the Commissioner adopting such an ordinance and sending to FWC, that there must be public comment permitted since so many people will be affected.

**C. Old Business**

Laishley Park Pump-out [Report April 2015](#) – the report was displayed on screen and brief discussion ensued.

**D. Citizen Comments**

none

**E. Good of the Order**

Mr. Meckenberg informed members about the additional thumb drive with the MAC orientation documents on them, which were then distributed to interested members.

Mr. Davidson offered thanks to Ms. Buck and the Punta Gorda Sailing Club, who will be taking his 24 foster boys out sailing next weekend; he also mentioned that his group has an outdoor movie every third Friday in downtown Punta Gorda across from the River City Grill. He invited members to attend.

**F. Next Meetings**

- The next Pre-Agenda Meeting will be held Thursday, June 4, 2015 at 9:30 a.m. in B-106.
- The next Regular Meeting will be held Thursday, June 11, 2015 at 9:30 a.m. in Room 119

**G. Adjournment**

On motion made and unanimously accepted, the meeting was adjourned at 11:36 a.m.

## **ATTACHMENT:**

### **Rule Title: Criteria for Approval of Markers**

**Department:** FISH AND WILDLIFE CONSERVATION  
COMMISSION

**Division:** Vessel Registration and Boating  
Safety

**Chapter:** UNIFORM WATERWAY MARKERS IN  
FLORIDA WATERS

Latest version of the final adopted rule presented in Florida Administrative Code (FAC):

### **68D-23.105 Criteria for Approval of Regulatory Markers.**

- (1) The division shall find a valid vessel traffic safety or public safety purpose is presented for ordinances adopted pursuant to Section 327.60, F.S., under the following facts and circumstances:
  - (a) For an Idle Speed-No Wake boating restricted area, if the area is:
    1. Within 500 feet of any boat ramp, hoist, marine railway, or other launching or landing facility available for use by the general boating public on waterways more than 300 feet wide and within 300 feet of any boat ramp, hoist, marine railway, or other launching or landing facility available for use by the general boating public on waterways not exceeding 300 feet wide.
    2. Within 500 feet of fuel pumps or dispensers at any marine fueling facility which sells motor fuel to the general boating public on waterways more than 300 feet wide and within 300 feet of the fuel pumps or dispensers at any licensed terminal facility which sells motor fuel to the general boating public on waterways not exceeding 300 feet wide.
    3. Inside or within 300 feet of any lock structure.
    4. An area where boating accident reports, uniform boating citations, vessel traffic studies, or other creditable data demonstrate a high risk of collision or where any significant vessel wake would be likely to endanger life, limb, vessel traffic safety or maritime property.
  - (b) For a Slow Speed Minimum Wake boating restricted area if the area is:
    1. Within 300 feet of any bridge fender system.
    2. Within 300 feet of any bridge span presenting a vertical clearance of less than 25 feet or a horizontal clearance of less than 100 feet.
    3. Within 300 feet of a confluence of water bodies presenting a blind corner, a bend in a narrow channel or fairway, or such other area where an intervening obstruction to visibility may obscure other vessels or other users of the waterway.
    4. Subject to unsafe levels of vessel traffic congestion.
    5. Subject to hazardous water levels or currents, or containing other navigational hazards.
    6. An area that accident reports, uniform boating citations, vessel traffic studies, or other creditable data demonstrate to present a significant risk of collision or a significant threat to public safety.
  - (c) For a numerical speed limit boating restricted area if the area is:
    1. Subject to unsafe levels of vessel traffic.
    2. Subject to hazardous water levels or currents or containing other navigational hazards.

3. An area that accident reports, uniform boating citations, vessel traffic studies, or other creditable data demonstrate to present a risk of collision or a risk to public safety.
  4. An area within which a proposed numerical speed limit is less restrictive than the speed limit in place for the surrounding area if hazardous tides or currents require that vessels operate faster than the surrounding speed limit in order to properly maintain maneuvering ability and headway or if the geographic configuration of the area and levels of vessel traffic density indicate that higher speeds do not pose a threat to life, limb, property, or manatees. Any dispute concerning the threat to manatees shall be resolved as provided in Section 379.2431(2)(p), F.S.
- (d) For vessel exclusion zones if the area is:
1. Designated as a public bathing beach or swim area.
  2. Reserved exclusively as a canoe trail or otherwise limited to vessels under oars or under sail.
  3. Reserved exclusively for a particular activity and user group separation must be imposed to protect the safety of those participating in such activity.
- (e) For other boating restricted areas (caution zone, no skiing, no parasailing, one-way vessel traffic, etc.) if the area is one that accident reports, uniform boating citations, vessel traffic studies, or other creditable data demonstrate to present a risk to vessel traffic safety or public safety.
- (2)(a) An ordinance for the protection of manatees, adopted pursuant to Section 379.2431(2)(p), F.S., must be reviewed and approved by the commission before any regulatory marker implementing such an ordinance may be installed. Any disagreement on the provisions of such an ordinance shall be resolved as provided in said paragraph.
- (b) In order to avoid a duplicate review and approval process, the division shall defer to the findings of the commission. Therefore, upon the review of such an ordinance and the commission's approval of the ordinance upon a finding that manatees are frequently sighted, that manatees can be generally assumed to inhabit the area periodically or continuously, and that the restrictions imposed are justified and necessary for the protection of manatees or their habitat, the division shall find a valid manatee safety purpose is presented.
- Rulemaking Authority 327.40, 327.41 FS. Law Implemented 327.40, 327.41, 379.2431 FS. History—New 12-23-01.